

## **REMARKS**

Claims 1 - 5 and 7 remain in this application.

Claims 6 and 8 - 12, inclusive, have been canceled.

In the Office Action Summary, immediately following the first page of the Office Action, mailed June 9, 1999, and the Action to which this response is directed, the Examiner advises that the Office Action of June 9, 1999 is "Responsive to Communications Filed on 5/24/99 and 4/16/99." This is in error.

The response filed 4/16/99 was in the parent application and was in response to an Office Action dated December 3, 1998 and was made FINAL.

An Amendment After Final Rejection, amending the claims in the parent application was filed in the parent application on April 16, 1999.

A CPA application of the parent application was filed on May 24, 1999 with the request that the unentered amendment previously filed on April 16, 1999 under 37 CFR 1.116 in the prior application be entered in the CPA application. Rather than entering the amendment, as requested, the Examiner stated, at page 6 of the June 9, 1999 Action, that "THIS ACTION IS MADE FINAL".

As stated in the MPEP 706.07(b)

it would not be proper to make final a first Office Action  
in a continuation or substitute application where that

application contains material which was presented previously in the earlier application after final rejection or closing of prosecution but was denied entry because (A) new issues were raised that required further consideration and/or search, or (B) the issue of new matter was raised.

The rejection of claim 1 as unpatentable under 35 U.S.C. 103(a) over

yes it is  
→ Tajima '995 in view of Sugata JP'262 is not applicable to claim 1. Tajima '995 does not teach nor suggest a heat pipe. The container 35 in Tajima is not a heat pipe and does not have sealed ends. Sugata JP'262 does not teach nor suggest a heat pipe. The ring shaped upper plate 4 of Sugata JP'262 connects the plates 2 and 3 together. The thermosiphon device 1 of Sugata is not a pipe.

For the reasons discussed above, claims 1 - 5 and 7, all of the claims in this application, are in condition for allowance which action, at an early date is requested.

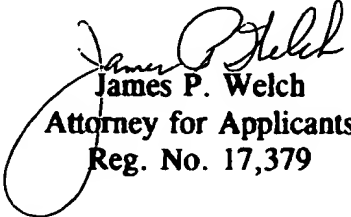
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees which may be due with respect

to this paper, may be charged to Deposit Account No. 01-2340.

Respectfully submitted,

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